



Attorney's Docket No.: 004309.P023

Lair
Smith (3050)
Patent
6/4/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)

Matthew J. Holcomb)

Application No: 10/697,861)

Filed: October 29, 2003)

For: GALLIUM-BASED)
SUPERCONDUCTING COMPOSITE)

Examiner: Not Yet Assigned

Art Unit: 1751

RECEIVED
JUN - 4 2004
LICENSING & REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Licensing and Review

RESPONSE TO NOTICE RE PROPERTY RIGHTS

Dear Sir:

In response to the Notice regarding property rights (42 U.S.C. §
2182/2457) mailed on April 14, 2004, Applicant submits the attached property
rights statement.

FIRST-CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on:

May 28, 2004

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence

Linda K. Brost

Signature

May 28, 2004

Date

Matthew J. Holcomb
Application No.: 10/697,861

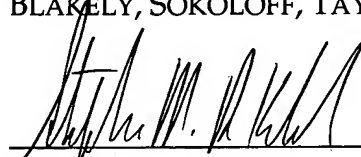
Examiner: Not Yet Assigned
Art Unit: 1751

Please charge any shortages and credit any overages to Deposit Account
No. 02-2666. Any necessary extension of time for response not already requested
is hereby requested. Please charge any corresponding fee to Deposit Account
No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: May 28, 2004



Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300



The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (~~we~~) Matthew J. Holcomb
citizens of U.S.A.
residing at 3380 South Lapeer Road, Metamora, Michigan, 48455, U.S.A.
declare:

That I (~~we~~) made and conceived the invention described and claimed in patent application:

Serial Number 10/697,861 filed in the United States of America on October 29, 2003
titled GALLIUM-BASED SUPERCONDUCTING COMPOSITE

(Check and complete either I or II below)

☐ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by _____. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of _____. Other relevant facts are _____
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____ of _____:

—OR—

☒ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____
NONE

(Check III and/or IV below as appropriate)

That to the best of my (~~our~~) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

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The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: [Signature]

Post Office Address: 3380 South Lapeer Road, Metamora, Michigan, 48455, U.S.A.

Date: 4/28/2004

Inventor's Signature: ///

Post Office Address: ///

Date: ///



IFW
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

04/09.P023
Nat'l Technologies
GMT

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/697,861	10/29/03	HOLCOMB	004309.P023

BLAKELY SOKOLOFF TAYLOR &
ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025

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EXAMINER	
ART UNIT	PAPER NUMBER

PATENT & TRADEMARK OFFICE

DATE MAILED: **MAILED**

APR 19 2004

APR 14 2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☐ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☒ have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

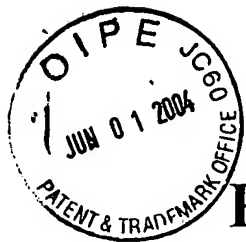
IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (700) 306-4101

(700) 305-0241

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**



PLEASE NOTE:

AS OF MAY 1, 2003 THE MAILING ADDRESS WILL CHANGE TO THE ADDRESS BELOW.

Attachment to form PTOL-456 (45 Day Letter), 30 Day Letter and Incomplete Letter

To ensure timely processing of your **45 Day Letter, 30 Day Letter and Incomplete Letter** responses, please be sure to address your envelopes to the Attention of Licensing and Review in the manner shown below.

NEW ADDRESS

Commissioner of Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
Attn: Licensing and Review

Thank you,
Licensing and Review

Date 5/29/2004 Client: Nove' Technologies, Inc.
Docket Initials ✓ 4309.P023
Dock. Sup. Initials _____
Atty Initials _____ SMD
Pat/Ser/Reg 697861

Description:

Response due; submit acceptable property rights statement

4/20/2004

Cleto Cadano

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